

HOMESTEAD REGULATIONS
OF
NORTH-WESTERN CANADA
WITH AN ABRIDGEMENT
OF THE
DOMINION LANDS ACT

HOMESTEAD REGULATIONS

HOMESTEAD ENTRIES.

Any even numbered section of Dominion lands in Manitoba or the North-west Territories (excepting 8 and 26) which has not been homesteaded, reserved to provide wood-lots for settlers, or for other purposes, is available for homestead entry.

A homestead entry for one quarter section, containing 160 acres, more or less, can be obtained by any male over 18 years of age on payment of a fee of \$10.

A woman who is a widow, having minor children dependent upon her, is entitled to a homestead entry.

Entry may be made personally at the local land office for the district within which the land to be taken is situate, or if the homesteader desires he may, on application to the Minister of the Interior, Ottawa, the Commissioner of Immigration, Winnipeg, or the local agent for the District, receive authority for some one to make entry for him.

All homestead fees must be paid to the local agent.

HOMESTEAD DUTIES.

A settler who has been granted entry for a homestead is required by the provisions of the Dominion Lands Act and the Amendments thereto, to perform the conditions connected therewith, under one of the following plans :—

(1.) At least six months' residence upon and cultivation of the land in each year during the term of three years.

It is the practice of the department to require a settler to bring 15 acres under cultivation, but if he prefers he may substitute stock; and 20 head of cattle, to be actually his own property, with buildings for their accommodation, will be accepted instead of the cultivation.

(2.) A settler may reside with his parents instead of upon his homestead, provided they occupy farming land in the vicinity, and he can count this time as residence after the date of his entry.

(3.) A settler may reside upon his first homestead instead of upon his second homestead if he prefer it, provided it is in the vicinity, the time to count from a date subsequent to the second entry.

(4.) If the settler has his permanent residence upon farming land owned by him in the vicinity of his homestead, the requirements of the Act as to residence may be satisfied by residence upon the said land.

The term 'vicinity' used above is meant to indicate the same township or an adjoining or cornering township.

A settler who avails himself of clauses (2), (3) or (4) must cultivate 30 acres of his homestead, or substitute 20 head of stock, with buildings for their accommodation, and have besides 80 acres substantially fenced.

No applications to vary the homestead provisions can be entertained, as such are established by Act of Parliament.

Every homesteader who fails to comply with the requirements of the homestead law is liable to have his entry cancelled, and the land may be again thrown open for entry.

APPLICATIONS FOR PATENT

should be made at the end of three years before the local agent, sub-agent or Homestead Inspector. Before making application for patent the settler must give six months notice in writing to the Commissioner of Dominion Lands at Ottawa of his intention.

In the case of a deceased homesteader any duties still required may be performed by the legal representatives or some person appointed by them to do so, and when completed to the satisfaction of the Commissioner of Dominion Lands the patent will be issued to the personal representative after letters of administration or probate of the will have been filed in the Department.

SCHOOL LANDS

GRAZING LEASES.

Leases of School Lands in Manitoba and the North-west Territories are issued for grazing purposes, subject to a rental of six cents per acre per annum in Manitoba and four cents per acre per annum in the Territories.

The term of the lease is five years, but it is revocable at any time during its currency on three months' notice being given the lessee.

HAY LEASES.

Leases of School Lands in the North-west Territories are also issued for hay-cutting purposes at a rental of twenty-five cents per acre per annum. The term of the lease is the same as that for grazing, and the lease is also revocable on three months notice being given the lessee.

HAY PERMITS.

Permits to cut hay on School Lands may be obtained by actual settlers for their own use from any agents of Dominion Lands on the same terms and conditions as permits for the same purpose on Dominion Lands, that is to say, on payment of an office fee of fifty cents and ten cents per ton as dues.

The rate to others than actual settlers is \$1.00 per ton.

SYNOPSIS OF REGULATIONS GOVERNING TIMBER, GRAZING, HAY, DOMESTIC COAL AND IRRIGATION ON DOMINION LANDS IN MANITOBA, THE NORTH-WEST TERRITORIES, AND WITHIN THE RAILWAY BELT IN THE PROVINCE OF BRITISH COLUMBIA.

Timber on Dominion Lands in Manitoba, the North-west Territories, and within the Railway Belt in the Province of British Columbia.

LICENSES.

A license to cut timber can be acquired only at public competition. A rental of \$5.00 per square mile is charged for all timber berths excepting those situated west of Yale in the Province of British Columbia, for which the rental is at the rate of 5 cents per acre per annum.

In addition to the rental, dues at the following rates are charged :—

Sawn lumber, 50 cents per thousand feet B.M.

Railway ties, eight and nine feet long, $1\frac{1}{2}$ and $1\frac{3}{4}$ cents each.

Shingle bolts, 25 cents a cord.

All other products, 5 per cent on the sales.

A license is issued as soon as a berth is granted, but in unsurveyed territory no timber can be cut on the berth until the licensee has made a survey thereof.

PERMITS.

Permits to cut timber are also granted at public competition, except in the case of actual settlers, who require the timber for their own use.

Settlers and others may also obtain permits to cut up to 100 cords of wood for sale without competition.

The dues payable under a permit are \$1.50 per thousand feet B.M. for square timber and sawlogs of any wood except oak ; from $\frac{1}{2}$ to $1\frac{1}{2}$ cents per lineal foot for building logs ; from $12\frac{1}{2}$ to 25 cents per cord for wood ; 1 cent for fence posts ; 3 cents for railway ties ; 20 cents per thousand for shingles manufactured from timber cut in Manitoba and the North-west Territories and 50 cents per cord on the shingle bolts in British Columbia.

Homesteaders having no timber of their own are entitled to a permit free of dues to cut the following quantities :—

3,000 feet of building logs, not to exceed twelve inches in diameter at the butt end. If the timber is cut from dry trees, 3,000 lineal feet of any diameter may be taken, but should the building timber be sawn at a mill in no case will the permittee be entitled to receive more than 9,250 feet B.M. free of dues.

400 roof poles.

500 fence posts.

2,000 fence rails.

Homesteaders and all *bona fide* settlers whose farms may not have thereon a supply of timber, or who are not in possession of wood lots or other timbered lands, will be granted a free permit to take and cut dry timber for their own use on their farms, for fuel and fencing.

A permit fee of 25 cents in each case is charged.

GRAZING IN MANITOBA AND THE NORTH-WEST TERRITORIES.

Leases for grazing purposes are issued for a term of twenty-one years, and the rental is at the rate of two cents an acre per annum, payable half-yearly in advance.

Lands included in a grazing lease may be withdrawn for homestead entry, sale or railway purposes, but no rental is charged on such lands from the date upon which they are withdrawn from the lease.

Grazing leases of school lands in the province of Manitoba may be issued for a term of five years, at an annual rental of six cents an acre, payable in advance, but the department may terminate the lease at any time by giving the lessee three month's notice.

Grazing leases of school lands in the North-west Territories are for a term of five years, and the rental is at the rate of four cents an acre per annum, payable in advance. This lease may also be terminated at any time by giving the lessee three months' notice.

Lessees of school lands are not allowed to break up or cultivate any portion of the lands leased.

A lessee of grazing lands is not entitled to the hay thereon, but he may, upon application to the agent of Dominion Lands, obtain each year the first permit to cut on his leasehold whatever quantity of hay he may require for his own use, free of dues, the Department reserving the right to issue permits to other applicants thereon.

HAY.

A settler in the vicinity of unoccupied Dominion Lands may obtain a lease to cut hay on an area thereof not exceeding forty acres. The term of the lease is five years and the rental twenty-five cents an acre per annum payable in advance.

Leases for hay purposes of not more than 640 acres and not less than 160 acres of school lands in the North-west Territories may be issued upon payment in advance of the rental at the rate of twenty-five cents an acre per annum.

Applications for permits to cut hay are made after the 1st day of January in each year to the agent of Dominion Lands in whose agency the land containing the hay is situated, and permits are issued on and after the 1st day of April following, upon payment of a fee of fifty cents and the dues hereinafter prescribed.

If before the 1st day of April more than one application is received for a permit covering the same tract of land, the agent, if he cannot arrange a division of the land to suit the applicants, may post a notice in his office calling for tenders for the purchase of the hay, and the permit is awarded to the person offering the highest cash bonus.

No hay shall be cut prior to a date to be fixed each year by the Minister of the Interior.

The dues chargeable for permits to actual settlers who require the hay for their own use are ten cents an acre or ten cents per ton, and to all other persons the rates are fifty cents an acre or fifty cents per ton, payable in advance.

DOMESTIC COAL.

Permits to mine coal for domestic purpose may be issued on application to the agent of Dominion Lands for the district in which the lands are situated for an area not exceeding three acres, which area must previously have been staked out by planting a post in each corner. The frontage must not exceed three chains or the length ten chains. Rental \$5.00 an acre per annum, and royalty 20 cents per ton for anthracite coal, 15 cents per ton for bituminous coal and 10 cents for lignite coal. Sworn returns of the quantity mined under a permit to be made monthly. No rental to be charged if the permittee is the owner of the surface.

IRRIGATION IN THE NORTH-WEST TERRITORIES.

An applicant for permission to construct works to divert a quantity of Water exceeding ten cubic feet per second, shall file with the Commissioner of Public Works at Regina a memorial setting forth the particulars with respect to the application, and a plan of the proposed works. He shall also give notice of such filing in some newspaper published in the neighbourhood, to be named by the Commissioner, not less than once a week for a period of thirty days.

So soon as these conditions have been complied with, the Minister of the Interior may authorize the construction of the works within a certain period. Upon the completion of the works an inspection thereof shall be made by the chief engineer and surveyor of the Department of Public Works of the North-west Territories, and upon receipt of a certificate from him that they have been built in accordance with the plans

and specifications submitted by the applicant, and that the necessary right of way for the works has been obtained, a license may be issued in his favour by the Minister of the Interior upon payment of a fee of \$10.00. It is, however, necessary that the applicant shall furnish proof that he is the owner of the land to be irrigated, or that he has arranged with the owners thereof to furnish them with water, before a license is issued in his favour.

The applicant for a less quantity of water than ten cubic feet per second is not required to furnish such full information in relation to his application as the Act prescribes in the case of an applicant who desires a larger quantity of water.

THE REVISED STATUTES OF CANADA

CHAPTER 54

ABRIDGEMENT OF

DOMINION LANDS ACT

PREPARED FOR DISTRIBUTION

JANUARY, 1903



THE REVISED STATUTES OF CANADA.

CHAPTER 54.

An Act respecting Public Lands.

A.D. 1886.

(As amended by 50-51 Vic., Chap. 31, assented to 28rd June, A.D. 1887; 51 Vic., Chap. 21, assented to 22nd May, A.D. 1888; 52 Vic., Chap. 27, assented to 2nd May, A.D. 1889; 54-55 Vic., Chap. 24, assented to 30th September, A.D. 1891; 55-56 Vic. Chap. 15, assented to 9th July, A.D. 1892; 57-58 Vic., Chap. 26, assented to 28rd July, 1894; 58-59 Vic., Chap. 34, assented to 22nd July, 1895; 60-61 Vic., Chap. 29, assented to 29th June, 1897; 61 Vic., Chap. 31, assented to 13th June, 1898; 62-63 Vic., Chap. 16, assented to 11th August, 1899; 63-64 Vic., Chap. 20, assented to 7th May, 1900; and 1 Edward VII., Chap. 20, assented to 23rd May, 1901.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

SHORT TITLE.

1. This Act may be cited as "*The Dominion Lands Act.*" Short title. 46 V., c. 17, s. 1, part.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a.) The expression "Minister" means the Minister of the Interior; Interpretation.
"Minister."
 - (b.) The expression "Surveyor General" means the officer of the Department of the Interior who bears that designation, or the chief clerk performing his duties for the time being; "Surveyor General."
 - (c.) The expression "agent" or "officer" means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; the expression "local agent" means the agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the expression "land office" means the office of any such agent; "Agent" or
"Officer."

"Local Agent."

"Land Office."
 - (d.) The expression "Dominion Land Surveyor" means a surveyor duly authorized, under the provisions of this Act, to survey Dominion lands; "Dominion Land Surveyor."

- "Crown Timber Agent." (e.) The expression "Crown Timber Agent" means the local officer appointed to collect dues and to perform such other duties as are assigned to such officer, in respect to the timber on Dominion lands;
- "Clause." (f.) The expression "clause" means a section of this Act, or of any Act herein cited, distinguished by a separate number; and the expression "sub-clause" means a subdivision of any clause distinguished by a separate number or letter in smaller type;
- "Dominion Lands." (g.) The expression "Dominion Lands" means any lands to which this Act applies;
- "Pre-emption entry." (h.) The expression "pre-emption entry" means the entering on the books of a local agent of a preferential claim to acquire by purchase, in connection with a homestead entry, and on becoming entitled to a patent for the homestead, a quarter-section, or a part of a quarter-section of land adjoining such homestead; and the expression "pre-emption right" means the right of obtaining a patent for such quarter-section, or part of a quarter-section, on the said condition and on payment of the price fixed by the Governor in Council at the time of entry in the class of lands in which such pre-emption is comprised, in respect of land subject to pre-emption entry. 46 V., c. 17, s. 1, *part.*
- "Commissioner of Dominion Lands" defined. (i.) The expression "Commissioner of Dominion Lands," means the officer of the Department of the Interior who bears that designation, or any officer appointed to perform his duties for the time being.

APPLICATION OF ACT.

- Application of Act **3.** Except as provided by any other Act of the Parliament of Canada, this Act applies exclusively to the public lands included in Manitoba and the several territories of Canada. 46 V., c. 17, s. 1, *part.*
- As to lands still under Indian title. **4.** None of the provisions of this Act shall apply to territory the Indian title to which is not extinguished. 46 V., c. 17, s. 3.

ADMINISTRATION.

- Administration and management. **5.** The Minister shall have the administration and management of the Dominion lands; and such administration and management shall be effected through a branch of the Department of the Interior, which shall be known and designated as "*The Dominion Lands Office.*" 46 V., c. 17, s. 2, *part.*
- How effected

SURVEYS.

- System of survey. Townships. **8.** The Dominion lands shall be laid off in quadrilateral townships, each containing thirty-six sections of as nearly one mile square as the convergence of meridians permits, with such

road allowances between sections, and of such width, as the Governor in Council prescribes :

2. The sections shall be bounded and numbered as shown by the following diagram :—

	N						
	31	32	33	34	35	36	
	30	29	28	27	26	25	
	19	20	21	22	23	24	
W	18	17	16	15	14	13	E
	7	8	9	10	11	12	
	6	5	4	3	2	1	
	S						

46 V., c. 17, s. 4.

School Lands.

23. Sections eleven and twenty-nine in every surveyed township throughout the extent of the Dominion lands are hereby set apart as an endowment for purposes of education, and shall be designated school lands; and they are hereby withdrawn from the operation of the clauses of this Act which relate to the sale of Dominion lands and to homestead rights therein; and no right to purchase or to obtain homestead entry shall be recognized in connection with the said sections, or any part of them. (46 V., c. 17, s. 19.)

Provided, that any person who is proved to the satisfaction of the Minister to have *bonâ fide* settled and made improvements upon any such section before the survey of the township containing such section, may be granted a homestead entry for the lands so occupied by him, not in excess of one hundred and sixty acres, if such lands are in other respects of the class open to homestead entry: Provided further, that in every such case the Minister shall select from the unclaimed lands in the township an area equal to that for which entry is granted, and shall by notice in the *Canada Gazette* withdraw it from sale and settlement and set it apart as school lands. 57-58 V., c. 26, s. 1.

24. The school lands shall be administered by the Minister under the direction of the Governor in Council. 46 V., c. 17, s. 20, *part*.

25. All sales of school lands shall be at public auction, and an upset price shall be fixed, from time to time, by the Governor in Council; but in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands are situate :

o 2. The terms of sale of all school lands, except as herein-after provided, shall be,—at least one-tenth of the purchase

Sections 11 and 29 in each township set apart;

And withdrawn from sale or homestead entry.

R.S.C., c. 54, s. 23 amended.

Rights of settler on school lands before survey.

Other lands to be set apart as school lands instead.

How to be administered.

Sale to be by public auction, and upset price.

Terms of payment for school lands.

Proviso: as
to sale of
subdivisions
or town-lots.

Terms of
payment in
such case.

money to be paid in cash at the time of sale, and the remainder to be paid in nine equal successive annual instalments, with interest at the rate of six per cent per annum, which shall be paid with each instalment of purchase money on the balance thereof from time to time remaining unpaid: provided that if the Minister considers it will be to the advantage of the purposes for which school lands have been set apart under the provisions of clause 23 of this Act, he may dispose of any section or part of a section of school lands in legal subdivisions or in smaller subdivisions, or in town lots into which the Minister is hereby empowered to have any section or part of a section of school lands laid out, surveyed and shown on a proper plan of survey by a duly qualified Dominion land surveyor; and the terms of sale of such legal subdivisions, smaller subdivisions or town-lots shall be,—at least one-fifth of the purchase money to be paid in cash at the time of sale, and the remainder to be paid in four equal successive annual instalments, with interest at the rate hereinabove mentioned payable as hereinabove specified.

Homestead.

Entry for
homestead
rights; area
limited.

32. Every person who is the sole head of a family, and every male who has attained the age of eighteen years, who makes application in the form A in the schedule to this Act, shall be entitled to obtain homestead entry for any quantity of land not exceeding one quarter-section, which is of the class of land open, under the provisions of this Act, to homestead entry; and such person shall, at the same time as he obtains his entry, declare under which of the conditions prescribed by clause thirty-eight of this Act he elects to hold the land affected by such entry. 50-51 V., c. 31, s. 2.

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Effect of such
homestead
entry.

3. The entry for a homestead and for its attached pre-emption, if any, shall entitle the recipient to take, occupy and cultivate the land entered for, and to hold possession of the same to the exclusion of any other person or persons whomsoever, and to bring and maintain actions for trespass committed on the said land; the title to the land shall remain in the Crown until the issue of the patent therefor, and the land shall not be liable to be taken in execution before the issue of the patent:

Exemption
from execu-
tion.

4. The privilege of homestead * * entry shall only apply to surveyed agricultural lands; no person shall be entitled to such entry for land valuable for its timber, or for hay land, or for land on which there is a stone or marble quarry, or coal or other mineral having commercial value,

To apply only
to agricultural
and surveyed
lands

or whereon there is any water power which may serve to drive machinery, or for land which, by reason of its position, such as being the shore of an important harbour, bridge site or canal site, or being either an actual or prospective railway terminus or station, it is in the public interest to withhold from such entry. 46 V., c. 17, s. 27.

Amendment of 1898, section 10. Any person who is entitled to make a homestead entry for land under the provisions of the said Act may select as his homestead one or more of the legal subdivisions of any section which comprise one quarter-section thereof; and if the area so selected and entered for is not greater than eighty acres he may be granted his entry therefor for one-half of the amount of the fee which is exacted for a homestead entry for a whole quarter-section. Homesteader may select part of quarter-section. Fee.

Amendment of 1897, section 12. If, in the case of any woman who, claiming to be the sole head of a family, makes application for a homestead entry, any doubt arises as to the right of such woman to be recognized as the sole head of a family, the Minister may decide from the special circumstances of the case whether such application shall be granted or refused. Application for homestead by woman as head of family.

33. Whenever the survey of any township has been finally confirmed and such township opened for homestead entry, any person who has *bonâ fide* settled and made improvements before such confirmed survey on land in such township, shall have a prior right to obtain homestead entry for the land so settled on, if such right is exercised within three months after the land is open for settlement, and if such land has not been reserved or the right to homestead entry is not excepted under the provisions of this Act: As to rights of persons who have settled on lands before survey.

2. No homestead entry shall be granted to any other person in respect of such land until three months after notice in writing has been given by the local agent to such *bonâ fide* settler that such land is open for settlement. 46 V., c. 17, s. 28. As to homestead entry thereafter.

34. Every person applying for homestead entry shall appear and make affidavit before the local agent, or his senior assistant, according to the form B, C or D in the schedule to this Act, as the circumstances of the case require; and upon filing such affidavit with such local agent, or senior clerk, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the local agent, or senior clerk, according to the form E in the schedule to this Act; and such receipt shall be a certificate of entry and shall be authority to the person obtaining it to take possession of the land described in it: Affidavit to be made by applicant for homestead entry. Fee.

*	*	*	*	*	*	*
*	*	*	*	*	*	*
*	*	*	*	*	*	*

How entries
are to be
made on
behalf of an-
other person.

3. The Minister of the Interior or any member of the Dominion Lands Board, or any other person named for the purpose by the Minister, upon requisition, may authorize any person named therein to make a homestead entry * * *

* * * , on behalf of any person signing such requisition and desiring to obtain such entry * * * :

Application
in such case.

4. The person so authorized shall, in order to obtain such entry * * * , make application in the form F in the schedule to this Act, on behalf of each of those whom he represents, and shall make an affidavit before the local agent, or his senior assistant, according to the form G, H or J, in the schedule to this Act, as the circumstances of the case require ; and shall pay for each homestead entry, * * *

Fees.

* * * , the office fee of ten dollars hereinbefore prescribed for such entry. 49 V., c. 27, s. 4 ; and 54-55 V., c. 24, s. 1.

Investigation
in case of dis-
pute between
persons claim-
ing entry for
the same land.

35. If a dispute arises between persons claiming the right to homestead entry for the same land, the local agent, or any person thereto authorized by the Minister, shall make investigation and obtain evidence respecting the facts ; and his report thereon, together with the evidence taken, shall be referred to the Minister for decision, or to the Dominion Lands Board, or Commissioner of Dominion Lands, or such person as is appointed by the Governor in Council to consider and decide in cases of such disputes :

First settler
entitled to
entry, unless
contrary to
public
interests.

2. When two or more persons have settled upon and seek to obtain homestead entry for the same land, the one who settled first thereon shall be entitled to such entry, if the land is of the class open to homestead entry, and if it is not in the opinion of the Minister otherwise inexpedient, in the public interest, to entertain any application therefor :

Provision in
case contend-
ing parties
have made
valuable im-
provements.

3. When contending applicants have made valuable improvements on the land in dispute the Minister may, if the application to acquire the land by homestead entry is entertained by him, order a division thereof in such manner as shall preserve to each of the parties to the dispute, as far as practicable, his improvements ; and the Minister may, at his discretion, direct that the difference between the extent of the land so allotted to each of them and a quarter-section shall be made up from unoccupied land adjoining, if there is any such of the class open to homestead entry. 46 V., c. 17, s. 30.

Delay for per-
fecting entry
limited.

36. Every person who has obtained homestead entry shall be allowed a period of six months from its date within which to perfect the entry, by taking, in his own person, possession of the land and beginning continuous residence thereon and cultivation thereof : and if the entry is not perfected within that period, it shall be void, and the land shall be open to entry by another person, or to other disposition under this Act by the Minister :

2. Provided that any person, who satisfies the Minister that because of illness, delay in bringing his family to the home-

stead entered for, or other causes, he will be prevented or was prevented in perfecting his entry for such homestead within the period of six months above mentioned, may be granted by the Minister a further period of six months in which to perfect the same; but no person shall be granted more than twelve months from the date of entry for the perfecting thereof.

37. If a number of homestead settlers, embracing at least twenty families, with a view to greater convenience in the establishment of schools and churches, and to the attainment of social advantages of like character, ask to be allowed to settle together in a hamlet or village, the Minister may, in his discretion, vary or dispense with the foregoing requirements as to residence, but not as to the cultivation of each separate quarter-section entered as a homestead. ' 46 V., c. 17, s. 32.

Case of immigrants forming a hamlet or village.

2. The Minister may withdraw from general sale and from settlement under the ordinary homestead provisions of this Act, any available Dominion lands, including both odd-numbered and even-numbered sections or parts thereof, in tracts of one or more townships or sufficient part or parts of a township or townships, for associations of settlers who desire to engage in co-operative farming, upon receiving, in the case of each association, an application from ten or more persons who are members thereof,—each of whom as well as every member of the association must be eligible, under the provisions of this Act, to obtain a homestead entry,—stating that they have formed an association for the purpose of engaging in co-operative farming; that for such purpose one or more townships or a part or parts of a township or townships are necessary to be reserved and set aside; that out of such lands, until they have all been entered for by members of the association, each member will be entitled to the privilege of obtaining an entry for a part of the tract so reserved, not exceeding one quarter-section, as his homestead; and that, for the purpose of the association and for the reasons specified in sub-clause 1 of this clause, the members of the association desire to settle together in a hamlet or village within the boundaries of the lands so reserved; and asking that in lieu of the residence and cultivation conditions which a settler has to comply with to obtain letters-patent for the land entered for by him, as a homestead, under the ordinary homestead provisions of this Act, the residence by the settler within the said hamlet or village, for a period of not less than three years within the meaning of this Act, and the cultivation of parcels of land, to be set aside for that purpose by the association, near the village or hamlet, out of the tract so reserved for the association, and the improvement of the remainder of the tract by the association, shall be accepted as sufficient to warrant the Minister in issuing to such settler, or his legal representative, letters-patent for the land so entered for by him, as a homestead: Provided that, before any settler who has obtained entry for a homestead under this sub-clause,

Case of co-operative farming association.

or his legal representative, is entitled to the issue of letters-patent therefor, the value of his residence within the said hamlet or village, and of the out-buildings and other improvements connected therewith, shall be equal at least to the value of the residence, out-buildings, and other improvements of an ordinary homesteader, and that the total value of all improvements and cultivation done to the tract by the members of the association in connection with its scheme of co-operative farming, shall be equal at least to one hundred and fifty dollars, for each member of the association at the date of the settler's application.

When and on what conditions a settler may obtain his patent.

Must be a subject of Her Majesty.

Case of settler obtaining entry before survey ;

Or residing 12 months and performing other duties before the end of three years.

Proof of residence and cultivation in such case.

38. At the expiration of three years from the date of his homestead entry, the settler, or in case of his death, his legal representatives, upon proving, to the satisfaction of the local agent, or his senior assistant, that he or they, or some of them have resided upon and cultivated the land during the said term of three years, shall be entitled to a patent for the land, if such proof is accepted by the Commissioner of Dominion Lands, or the Land Board ; but the patent therefor shall not issue to any person who is not a subject of Her Majesty by birth or naturalization ; except in the case of the death of a settler who, though he had completed the conditions of his entry for his homestead, died prior to the issue of the patent therefor and whose legal representatives are citizens of a foreign country, and except as hereinafter provided.

2. In the case of a settler who obtains homestead entry for land occupied by him previous to survey thereof, in the manner hereinbefore mentioned, residence upon and cultivation of the land for the three years next preceding the application for patent shall, for the purpose of the issue of patent, be held equivalent to that prescribed in the foregoing sub-clause, if such residence and cultivation are otherwise in conformity with the provisions of this Act :

3. Every person who proves that he has resided on the land for which he has homestead entry for twelve months after the date of such entry, and that he has brought under cultivation at least thirty acres thereof, may, before the expiration of the three years defined in sub-clause one of this clause, obtain a patent by paying the Government price at the time for the land :

4. Proof of residence, erection of a habitable house and cultivation, required by this clause, shall be made by the claimant by affidavit, and shall be corroborated by the evidence on oath of two disinterested witnesses, resident in the vicinity of the land to which their evidence relates, and shall be subject to acceptance as sufficient by the Commissioner of Dominion Lands or the Land Board ; and such affidavit shall be sworn, and such evidence given, before the local agent, or his senior assistant, or before some other person named for that purpose by the Minister :

5. If, in connection with the homestead entry, the settler has obtained a pre-emption entry, in accordance with the provisions of this Act, he shall, on becoming entitled to a patent for his homestead, be also entitled to a patent for the land included in such pre-emption entry, on payment of the price fixed, in accordance with the provisions of this Act, by the Governor in Council; but such pre-emption right, if not exercised and payment made within two years after the settler becomes entitled to claim a patent under his homestead entry, shall be forfeited, and the land included in such pre-emption entry may be opened for homestead entry by the Minister of the Interior;

Right of settler who has obtained pre-emption entry and pays the price.

Forfeiture in default.

6*

7*

8. Every person who has obtained a homestead entry, and who purposes to apply for a patent for such homestead, shall give six months' notice in writing to the Commissioner of Dominion Lands of his intention to make such application, and shall produce evidence to the officer who is authorized to receive the application, that such notice has been duly given. 46 V., c. 17, s. 33;—47 V., c. 25, ss. 2 and 3;—49 V., c. 27, ss. 5 and 6.

Notice of application for patent.

9. If a settler has obtained a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by this Act, and has obtained entry for a second homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied by residence upon the first homestead, if the second homestead is in the vicinity of the first homestead.

Second homestead entry.

(a.) If the father (or the mother, if the father is deceased) of any person who is eligible to make a homestead entry under the provisions of this Act, resides upon a farm in the vicinity of the land entered for by such person as a homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied by such person residing with the father or mother; and in the event of the death of the father or mother before the person is entitled to his patent, the requirements of this Act as to residence prior to obtaining patent may be satisfied by such person continuing to reside on the property which was the residence of the father or mother, or by removing to a residence upon his own homestead.

10. Notwithstanding anything contained in this Act, any person claiming a patent for land for which he has made entry as a homestead shall be entitled to obtain such patent, upon proving to the satisfaction of the Minister or of the Commissioner of Dominion Lands:

(a.) That he has fulfilled three years' residence within the meaning of this clause;

*N.B.—The provisions of these two sub-clauses, "6" and "7," have been left out of this consolidation as they have not been in force since the 1st January 1894. (See 54-55 V., c. 24, s. 5.)

(b.) That he has at least twenty head of cattle upon such land or land occupied by him in the vicinity, and that he is the actual owner of such cattle;

(c.) That he has erected on such land, or upon land occupied by him in the vicinity, stables and outhouses sufficient to winter at least twenty head of cattle.

11. If the settler has his permanent residence upon farming land owned by him in the vicinity of his homestead, the requirements of this Act as to residence may be satisfied by residence upon the said land.

Reckoning of residence of volunteer on active service.

Amendment of 1900, section 4. Notwithstanding anything in the said Act or in any Act amending it, the time during which a settler is absent from his homestead while he is a member of a military force enrolled under the authority of the Minister of Militia, and engaged as a member of such force in the suppression of an outbreak or insurrection in any part of Canada, or in the defence of Canada against a foreign power, or as a member of a company or contingent of Canadian volunteers enrolled under the authority of the Minister of Militia for active service and also a period not exceeding three months after the discharge of such settler as a member of such force, company or contingent, to permit him to resume his residence upon his homestead, may be counted as residence upon such homestead within the meaning of the said Act, or of any Act amending it.

Issue of patent to disabled volunteer.

Amendment of 1900, section 5. If it is established to the satisfaction of the Minister of the Interior that a settler, while on active service as a member of any force, company or contingent referred to in the next preceding section is so disabled by wounds received in battle, or because of illness resulting therefrom or from any other cause, after his enrolment as a member of such force, company or contingent up to the date of his discharge therefrom, that it is not possible for him, because of such wounds or illness, to resume occupation of his homestead and complete the conditions of his entry therefor, the Minister may forthwith issue a patent for the homestead in favour of such settler.

Issue of patent in case of mental incapacity of settler.

Amendment of 1897, section 14. In the event of any person who has partly or wholly fulfilled the conditions of his homestead entry becoming insane or mentally incapable, and, by reason of such insanity or mental incapacity, unable to complete the conditions of his entry or to furnish the proof called for by clause thirty-eight of the said Act, the guardian or committee of such person, or any person who in the event of his death would be entitled as his legal representative to do so, may furnish such proof if the conditions of entry have been wholly fulfilled by such person, or, if only partly fulfilled, may complete them and then furnish the necessary proof, as the legal representative of such person.

39. If it is proved to the satisfaction of the Minister,— Forfeiture of right :—
By non-residence ;
 (a.) That the settler has not resided upon and cultivated his homestead, except as herein provided, for at least six months in any one year; or—

(b.) In case he has obtained his entry under and in accordance with sub-clause five of the next preceding clause, that he has failed to erect a habitable house and to commence actual residence in the same and cultivation of the land within six months of the date of such entry, and to continue and maintain such residence and cultivation as required by the said sub-clause, or that he has failed to make permanent improvements on the land to the aggregate value of one dollar and fifty cents per acre within three years from the time allowed for the perfecting his entry ; By non compliance with the conditions of sub-clause 5 of clause 38.

(c.)†

(d.)†

The right to the land shall be forfeited, and the entry thereof shall be cancelled; and the settler so forfeiting his entry shall not be eligible to obtain another entry, except in special cases, in the discretion of the Minister. 54-55 V., c. 24, s. 6. Effect of forfeiture.

39a. Failure on the part of any person who has obtained a homestead entry under the "*Dominion Lands Act*," to apply, as hereinbefore provided, for the patent for his homestead within a period of five years from the date of his homestead entry, shall render his right liable to forfeiture, in the discretion of the Minister of the Interior. 54-55 V., c. 24, s. 7. Forfeiture of right to patent.

2. In the case of any entry obtained before the thirtieth day of September, one thousand eight hundred and ninety one, the right of the person obtaining it shall be liable to forfeiture in the discretion of the Minister if the application for patent is not made on or before the thirty-first day of December, one thousand eight hundred and ninety-eight: Provided that in no case shall any homestead entry be cancelled under the provisions of this section until the person who made the entry has been given at least three months' notice in writing by the Minister that his entry will be forfeited because of his neglect to apply for patent, such notice to be mailed to the address of such person to the post office nearest the land which is the subject of the entry. As to entries obtained before Sept. 30, 1891.
Proviso.

40. In case of illness, vouched for by sufficient evidence, or in the cases of immigrant settlers returning to their native land to bring their families to their homesteads, or in other special cases, the Minister may, in his discretion, grant an extension of time during which such settler may be absent from his homestead, without prejudice to his right therein; but the In case of sickness time may be extended.

†N.B.—The provisions of these two sub-clauses "(c.)" and "(d.)" have been left out of this consolidation as the provisions to which they refer, sub-clauses "6" and "7" of clause 38, have not been in force since 1st January, 1894. (See 54-55 Vic., c. 24, s. 5.)

time so granted shall not be reckoned as residence. 46 V., c. 17, s. 34, *part*.

Assignments
before issue
of patent
to be void.

Forfeiture.

Proviso: in
case of recom-
mendation for
patent by
local agent.

42. Unless the Minister otherwise declares, every assignment or transfer of homestead or pre-emption right, or any part thereof, and every agreement to assign or transfer any homestead or pre-emption right, or any part thereof, after patent obtained, made or entered into before the issue of the patent, shall be null and void; and, unless the Minister otherwise declares, the person so assigning or transferring, or making an agreement to assign or transfer, shall forfeit his homestead and pre-emption right, and shall not be permitted to make another homestead entry: Provided, that a person whose homestead or homestead and pre-emption have been recommended for patent by the local agent, and who has received from such agent a certificate to that effect, in the form K in the schedule to this Act, countersigned by the Commissioner of Dominion Lands, or, in his absence, by a member of the Dominion Lands Board, may legally dispose of and convey, assign or transfer his right and title therein; and such person shall be considered to have received his certificate upon the date upon which it was so countersigned.

No second
homestead
entry.

Exception.

Chap. 17 of
1883.

43. No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause* mentioned, shall be entitled to obtain another homestead entry: Provided, however, that any person who, on the 2nd day of June, in the year one thousand eight hundred and eighty-nine, had obtained a homestead patent, or a certificate of recommendation for a patent countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, or who had complied with the homestead provisions of the Acts then in force relating to Dominion lands entitling him to such certificate, or any person who has been permitted under the terms of section thirty-eight of the *Dominion Lands Act*, 1883, to create a charge upon his homestead, and had completed his homestead duties on the said second day of June, one thousand eight hundred and eighty-nine, shall be permitted to make a second homestead entry. 55-56 V., c. 15, s. 4.

Discontinuance of Pre-emptions.

Pre-emption
to be discon-
tinued after
1st January,
1890.

46. The privilege of pre-emption, in connection with a homestead entry, shall be discontinued from and after the first day of January, in the year one thousand eight hundred and ninety. 49 V., c. 27, s. 10.

*N.B.—The clause herein referred to is 42 of this consolidation and not 42b.

Grazing Lands.

50. Leases of unoccupied Dominion lands may be granted by the Minister, for grazing purposes, to any person, for such term of years, for such rent and upon such other terms and conditions, as in that behalf are set forth in regulations authorized from time to time by the Governor in Council.

Lease of grazing lands.

Hay Lands.

51. A settler in the vicinity of unoccupied hay lands may obtain a lease for an area thereof not exceeding a quarter-quarter-section, or forty acres, for such term and at such rent as the Minister deems expedient; but such lease shall not operate to prevent, at any time during its term, the sale or settlement of the land; and in the case of such sale or settlement, the lessee shall be paid, by the purchaser or settler, for fencing or other improvement made, such sum as the local agent determines; and the lessee shall be allowed to remove any hay he has cut. 46 V., c. 17, s. 41.

Lease of hay lands.

Proviso.

In case of sale or settlement.

58. When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this Act, or whenever any person is wrongfully in possession of Dominion land and refuses to vacate or abandon possession of the same, the Minister may apply to a judge of any court of competent jurisdiction in cases respecting real property in the Province or Territory in which the land is situate, for an order in the form of a writ of ejectment or of *habere facias possessionem*; and the said judge, upon proof to his satisfaction that such land was so forfeited and should properly revert to the Crown, or is wrongfully in possession of such person, shall grant an order upon the settler or person in possession to deliver up the same to the Minister, or to the person by him authorized to receive such possession; and such order shall have the same force as a writ of *habere facias possessionem*; and the sheriff shall execute the same in like manner as he would execute the said writ in an action of ejectment or a petitory action. 46 V., c. 17, s. 75.

Remedy in case of refusal to deliver up possession of forfeited land, or to vacate land wrongfully held.

Order to sheriff to give possession.

Amendment of 1897, section 13. Where patents for any lands have been or are hereafter issued to a person who died or who hereafter dies before the date of such patent, the patent in such case shall not therefore be void, but the title to the land designated therein and granted or intended to be granted thereby shall become vested in the heirs, assigns, devisees or other legal representatives of such deceased person according to the laws of the province in which the land is situated, as if the patent had issued to the deceased person during life.

Issue of patent after death of applicant.

Amendment of 1897, section 18. In any case in which any settler or purchaser is entitled to the issue of letters-patent for any land in which the said Act relates, but the issue of such patent is delayed because of the liability of such settler or pur-

Issue of letters patent to settler or purchaser who is indebted to the Crown.

chaser, either as principal or surety upon a bond to the Crown or to the Minister, or as mortgagor on a mortgage in favour of the Crown or the Minister, for the repayment of an advance of seed grain, or on account of any other indebtedness to the Crown, the Minister may cause such letters-patent to issue in favour of the settler or purchaser entitled thereto, and may transmit them to the registrar in whose district the land is situated, with a certificate signed by him or his deputy, or by some other person named by him for the purpose, setting forth the particulars of such liability or indebtedness, including the total amount of the liability or indebtedness, with the rate of interest to be paid thereon, the name of the persons liable or indebted therefor, and the land to be charged thereby; and the registrar when registering the patent for such land shall make the necessary entries respecting such indebtedness in the proper register or other record book in his office, and thereafter the said indebtedness shall be and remain a charge upon the land until satisfied and extinguished according to law.

Registration.

Ejectment of person wrongfully in possession of Dominion lands.

Amendment of 1898, section 14. When any person is wrongfully or without lawful authority in possession of any Dominion lands and refuses to vacate or abandon possession thereof, the Minister of the Interior, or any officer or agent of the Department of the Interior authorized by the Minister for that purpose, may, upon evidence of the facts by solemn declaration made in accordance with provisions of *The Canada Evidence Act, 1893*, apply to the judge of the county court for the county within which the lands are situated, if the lands are in the province of Manitoba, and to the judge of the judicial district in which the lands are situated, if the lands are in the Northwest Territories, for a summons directed to such person calling upon him forthwith to vacate or abandon the said lands, or within thirty days after service of the said summons to show cause why an order or warrant for his removal from the said lands should not be made; and if, upon the return of the summons, it appears that he has not vacated or abandoned possession of the said lands, or if he does not show good cause to the contrary, the judge shall make an order or warrant for his summary removal from the said land, and the said order or warrant shall be executed by the sheriff, bailiff, constable or other person to whom it is delivered.

Service of summons.

Amendment of 1898, section 15. It shall be sufficient service of the summons if a copy thereof is left with a grown-up person found on the said lands, and another copy is put in some conspicuous place thereon, or, where no grown-up person is found on the lands, if a copy is put up in each of two conspicuous places thereon.

Execution of warrant.

Amendment of 1898, section 16. The officer or person to whom any order or warrant is addressed under the foregoing provisions shall forthwith remove the person named thereon from the said lands, and in the execution of the said order or warrant shall have all the powers, rights, immunities and privi-

leges enjoyed by a sheriff, constable or other peace officer in the execution of his duty.

Amendment of 1898, section 17. Any person remaining upon Dominion lands after having been ordered to vacate them, or returning thereto after having vacated them in obedience to a summons, or after having been removed therefrom under an order or warrant as aforesaid, shall, upon summary conviction thereof before a judge, stipendiary or police magistrate or two or more justices of the peace, be liable to a fine of not less than twenty dollars and not more than one hundred dollars.

Penalty for disobeying summons, etc.

ASSIGNMENTS.

59. The Minister shall cause to be kept, in the Department of the Interior, books for registering, at the option of the persons interested, assignments of any rights to Dominion lands which are assignable under this Act, upon proof to his satisfaction that such assignments are in conformity with this Act; and every assignment so registered shall be valid against any other assignment unregistered or subsequently registered; but any assignment to be registered shall be unconditional, and all conditions on which the right depends shall be performed, or dispensed with by the Minister, before the assignment is registered. 46 V., c. 17, s. 76.

Assignments of Dominion lands to be registered.

Condition of registration.

60. On any application for a patent by the legal representative of a person who died entitled to such patent, the Minister may receive proof of the facts in such manner as he sees fit to require; and upon being satisfied that the claim has been justly established, may allow the same and cause a patent to be issued accordingly. 46 V., c. 17, s. 77.

Patent to legal representative of party dying entitled thereto.

TIMBER AND TIMBER LANDS.

Wood for Settlers.

4. Any holder of a homestead entry who, previously to the issue of the patent, sells any of the timber on either his homestead or pre-emption quarter-section, or on the appurtenant wood lot, to saw-mill proprietors or to any other than settlers for their own private use, without having previously obtained permission so to do from the Minister, is guilty of a trespass and may be prosecuted therefor before a justice of the peace; and, upon conviction thereof, shall be liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment, in the discretion of the court; and further, such person shall forfeit his homestead and pre-emption rights, and the timber so sold shall be subject to seizure and confiscation in the manner hereinafter provided. 46 V., c. 17, s. 45.

As to sale of timber to saw-mills, &c., before patent.

Punishment for so doing.

Liability of Persons cutting Timber without authority.

Penalty for cutting timber on Dominion lands without authority.

Additional penalty for removal out of reach of officers

Burden of proof, &c.

79. If any person, without authority, cuts, or employs or induces any other person to cut or assist in cutting any timber of any kind on Dominion lands, or removes or carries away, or employs or induces or assists any other person to remove or carry away any timber of any kind so cut, he shall not acquire any right to such timber or any claim for remuneration for cutting the same, preparing the same for market or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown timber officers, or it is otherwise found impossible to seize it, he shall, in addition to the loss of his labour and disbursements, incur a penalty not exceeding three dollars for each tree, which, or any part of which, he is proved to have cut or carried away, or assisted to cut or carry away; and such sum shall be recoverable, with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty: and in all cases the burden of proof of authority to cut and take the timber shall lie on the person charged; and the averment of the person seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary. 46 V., c. 17, s. 60.

Seizure of timber on affidavit before a J. P.

80. Whenever any Crown timber officer or agent receives satisfactory information, supported by affidavit, made before a justice of the peace or before any other competent officer or person, that any timber has been cut without authority on Dominion lands, or if any Crown timber officer or agent, from other sources of information or his own knowledge, is aware that any timber has been cut without authority on any such lands, he may seize or cause to be seized, in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until the matter is decided by competent authority. 46 V., c. 17, s. 61, *part.*

Provision if the timber has been mixed with other timber.

81. If the timber, reported or known to have been cut without authority, has been made up with other timber into a crib, dam or raft, or in any other manner has, at any mill or elsewhere, been so mixed up with other timber as to render it impossible or very difficult to distinguish the timber so cut without authority from the other timber, the whole shall be held to have been cut without authority and shall be liable to seizure and forfeiture accordingly, unless the holder separates, to the satisfaction of the Crown timber agent, the timber cut without authority from the other. 46 V., c. 17, s. 61, *part.*

In absence of satisfactory explanation timber may be

82. Whenever any Crown timber agent or other officer or agent of the Minister is in doubt as to whether any timber has or has not been cut without authority, or is or is not liable to

Crown dues on the whole or any part thereof, he may inquire of the person or persons in possession or in charge of such timber, as to when and where the same was cut; and if no satisfactory explanation, on oath or otherwise as he requires, is given to him, he may seize and detain such timber until proof is made to the satisfaction of the Minister or of such Crown timber agent or officer, that such timber was not cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof is not made within thirty days after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid, according to the circumstances of the case; and the dues thereon may be recovered as hereinbefore provided. 46 V., c. 17, s. 62.

seized as cut without authority.

Recovery of dues.

83. If any timber, or any product thereof, is seized under the provisions of this Act by any Crown timber agent or officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise to his satisfaction, for the full value thereof, or, in his discretion, for payment of double the amount of all dues, penalties and costs incurred or imposed thereon, as the case may be. 46 V., c. 17, s. 63.

Release of timber on security being given.

84. All timber seized under this Act on behalf of the Crown, as being forfeited, shall be deemed to be condemned, unless the owner thereof or the person from whom it was seized, within one month from the day of the seizure, gives notice to the seizing officer or to the Crown timber agent or officer under whose authority the seizure was made, that he intends to contest the seizure; and if, within fifteen days thereafter, the claimant has not instituted proceedings before a court of competent jurisdiction to contest the seizure, or, if the decision of the court is against him, or, if the claimant fails duly to prosecute such proceedings, in the opinion of the judge before whom such case is tried (who may for that cause dismiss the suit on the expiration of three months from the date on which it was instituted—anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and may, after thirty days' notice posted up at the place where the same is confiscated, be sold, by the order of the Minister, for the benefit of the Crown:

Timber seized to be deemed condemned and forfeited in default of owner claiming within one month.

Confiscation and sale in case of default to contest seizure.

2. The Minister may, if he sees cause for so doing, instead of confiscating timber cut without authority on Dominion lands, impose a penalty which, in addition to all costs incurred, shall be levied on such timber; and, in default of payment of the whole on demand, he may, after a notice of fifteen days, sell such timber by public auction, and may, in his discretion, retain the whole proceeds of such sale, or the amount of the penalty and costs only. 46 V., c. 17, s. 64.

Minister may impose a fine instead of confiscation in certain cases, &c.

Sale in default of payment

Burden of proof to lie on the claimant.

85. Whenever any timber is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is instituted for any penalty or forfeiture under this Act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any part of the Dominion lands aforesaid, the burden of proving payment, or of proving on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same or the person instituting such prosecution. 46 V., c. 17, s. 65.

Officer seizing may call in assistance.

86. Any officer or person seizing timber in the discharge of his duty under this Act may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized. 46 V., c. 17, s. 66, *part*.

POWERS OF THE GOVERNOR IN COUNCIL.

Power of Governor as to Indian Reserves.

90. The Governor in Council may—

(a.) Withdraw from the operation of this Act, subject to existing rights as defined or created thereunder, such lands as have been or are reserved for Indians ;

Lands required for railways.

(b.) Reserve from general sale and settlement, Dominion lands to such an extent as is required to aid in the construction of railways in Manitoba or in the Territories owned by Canada, and provide for the disposal of the lands so reserved, notwithstanding anything contained in this Act, in such manner, at such price and on such terms as are deemed expedient ;

Free grant for railway to Hudson's Bay.

(c.) Make a free grant of land, not exceeding in extent six thousand four hundred acres for each mile of railway within Manitoba, and not exceeding in extent twelve thousand eight hundred acres for each mile in the North-west Territories, in aid of the construction of a railway from some point on the Canadian Pacific Railway to Hudson's Bay ;

Encouragement of drainage, &c.

(d.) Grant to the promoters of works undertaken with a view of draining and reclaiming swamp lands, for the purpose of encouraging such works, remuneration in the way of grants of the lands so reclaimed, or of such portions thereof as are deemed fair and reasonable ;

Schools of instruction in agriculture.

(e.) Grant land—not in any case exceeding in extent one section and one half section—to any person who will establish and keep in operation thereon, for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, having, during the period, an average attendance of thirty pupils, and otherwise meeting the approval of the Minister ;

Claims arising out of Indian title.

(f.) Grant lands in satisfaction of claims of half breeds arising out of the extinguishment of the Indian title ;

(f2.) Upon the extinguishment of the Indian title in any territory or tract of land, make to persons satisfactorily establishing undisturbed occupation of any lands within such terri-

tory or tract on the first day of January, one thousand eight hundred and ninety-nine, and who are at that time, by their own residence or that of their servants, tenants or agents, in actual peaceable possession thereof, free grants of such lands, provided that not more than one hundred and sixty acres shall be so granted to any one person.

(g.) Investigate and adjust claims preferred to Dominion lands situate outside of the Province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, one thousand eight hundred and seventy, and grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to the said date, and being, by their own residence or that of their servants, tenants or agents, or of those through whom they claim, in actual peaceable possession thereof at the said date, so much land in satisfaction of such claim as is considered fair and reasonable, but not exceeding in any case one quarter-section, unless there has been cultivation of more than that area;

Certain claims to lands outside of Manitoba prior to 15th of July, 1870.

(h.) Make such orders as are deemed necessary, from time to time, to carry out the provisions of this Act according to their true intent, or to meet any cases which arise, and for which no provision is made in this Act; and further make and declare any regulations which are considered necessary to give the provisions in this clause contained full effect; and, from time to time, alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead;

For carrying out the provisions of this Act.

(i.) Impose penalties not exceeding two hundred dollars, or not exceeding three months' imprisonment, for violation of any regulations under this Act;

Penalties for violation.

(j.) Provided that any statement or return required to be made by such regulations, shall be verified on oath. 46 V., c. 17, s. 81, *part*;—47 V., c. 25, s. 6.

Statement under oath.

90b. The Governor in Council may grant to individuals or companies, upon such terms and conditions as appear just, and subject to such regulations as are from time to time made in that behalf, the right to construct through Dominion lands conduit pipes or canals for irrigation purposes, together with all water powers and privileges necessary therefor. 55-56 V., c. 15, s. 7.

Irrigation companies, &c.

2. The Governor in Council may authorize the sale or lease of any lands vested in the Crown which are not required for public purposes, and for the sale or lease of which there is no other provision in the law, or may make regulations, in which the price or rental shall be specified, for the sale or lease thereof; and all leases issued by the special authority of the Governor in Council, or pursuant to such regulations, may be executed on behalf of the Crown by the Minister.

Sale or lease of public lands.

3. The expression "lands" in this section means real property of any kind, or any interest therein.

"Lands" defined.

Such orders must be published in *Canada Gazette*.

And laid before Parliament.

91. Every order or regulation made by the Governor in Council, in virtue of the provisions of the next preceding clause, or of any other clause of this Act, shall, unless otherwise specially provided in this Act, have force and effect only after the same has been published for four successive weeks in the *Canada Gazette*; and all such orders or regulations shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof. 46 V., c. 17, s. 81, *part*.

Publication of orders and regulations.

91a. Notwithstanding anything contained in any such Act, the omission to publish any order or regulation heretofore made by the Governor in Council under the provisions of any Act relating to Dominion lands, or to publish such order or regulation in any prescribed manner, shall not be held to invalidate it or anything done thereunder. 54-55 V., c. 26, s. 2.

Fees for copies of maps, &c.

92. The Governor in Council may establish a tariff of fees to be charged by the Minister for all copies of maps, township plans, field notes and other records, and also for registering assignments; and all fees received under such tariff shall form part of the revenue from Dominion lands. 46 V., c. 17, s. 125.

Offences.

Penalty for molesting surveyor in discharge of his duty.

137. Every person who, in any part of the Dominion lands, interrupts, molests or hinders any Dominion land surveyor while in the discharge of his duty as a surveyor, is guilty of a misdemeanour, and liable to a penalty not exceeding twenty dollars or to imprisonment for a term not exceeding two months, or to both, in the discretion of the court. 46 V., c. 17, s. 121.

Penalty for pulling down or destroying land marks placed by surveyor on original survey:

138. Every person who, knowingly and wilfully, pulls down, defaces, alters or removes any mound, post or monument erected, planted or placed in any original survey under the provisions of this Act, or under the authority of the Governor in Council, is guilty of felony, and shall be liable to imprisonment for any term not exceeding seven years:

And for pulling down or destroying other land marks so placed.

2. Every person who, knowingly and wilfully, defaces, alters or removes any other mound or land mark, post or monument placed by any Dominion land surveyor to mark any limit, boundary or angle of any township, section or other legal subdivision, lot or parcel of land in Manitoba or the North-west Territories, is guilty of a misdemeanour, and liable to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or to both, in the discretion of the court. 46 V., c. 17, s. 122, *part*.

Penalty for illegally having possession of land-mark.

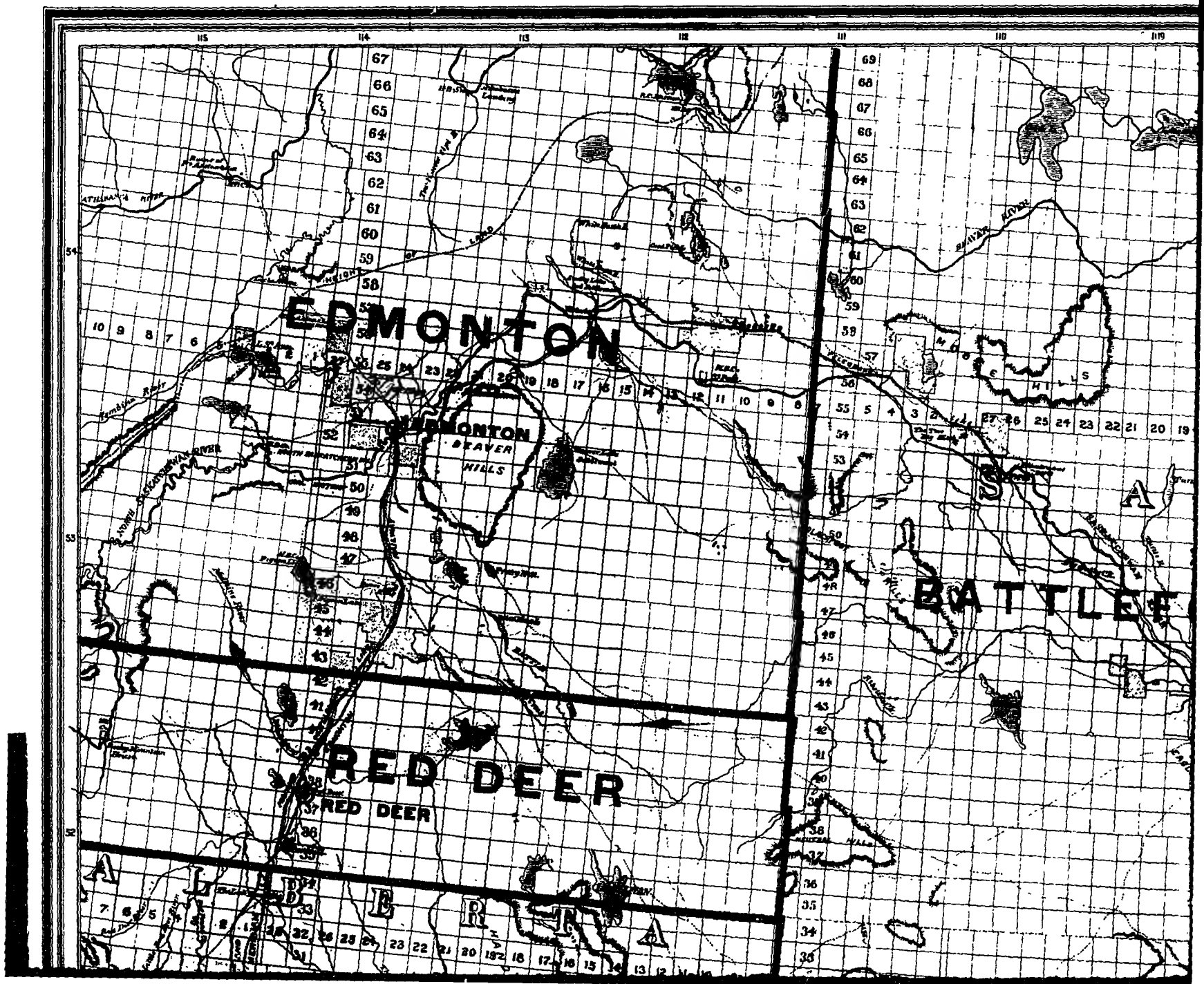
3. Every person who, not being a Dominion land surveyor, knowingly and wilfully has in his custody and possession, and not for any lawful purpose in connection with a survey of Dominion lands, any such post or monument, or any post or

monument intended, or apparently intended to be used for the purposes of any such survey, or to mark any such limit, boundary or angle, is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding six months, or to a penalty not exceeding one hundred dollars, or to both such fine and imprisonment.

139. Nothing in this Act shall extend to prevent Dominion land surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before. 46 V., c. 17, s. 122, *part.* As to examining posts.

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INDEX SHOWING THE TOWN

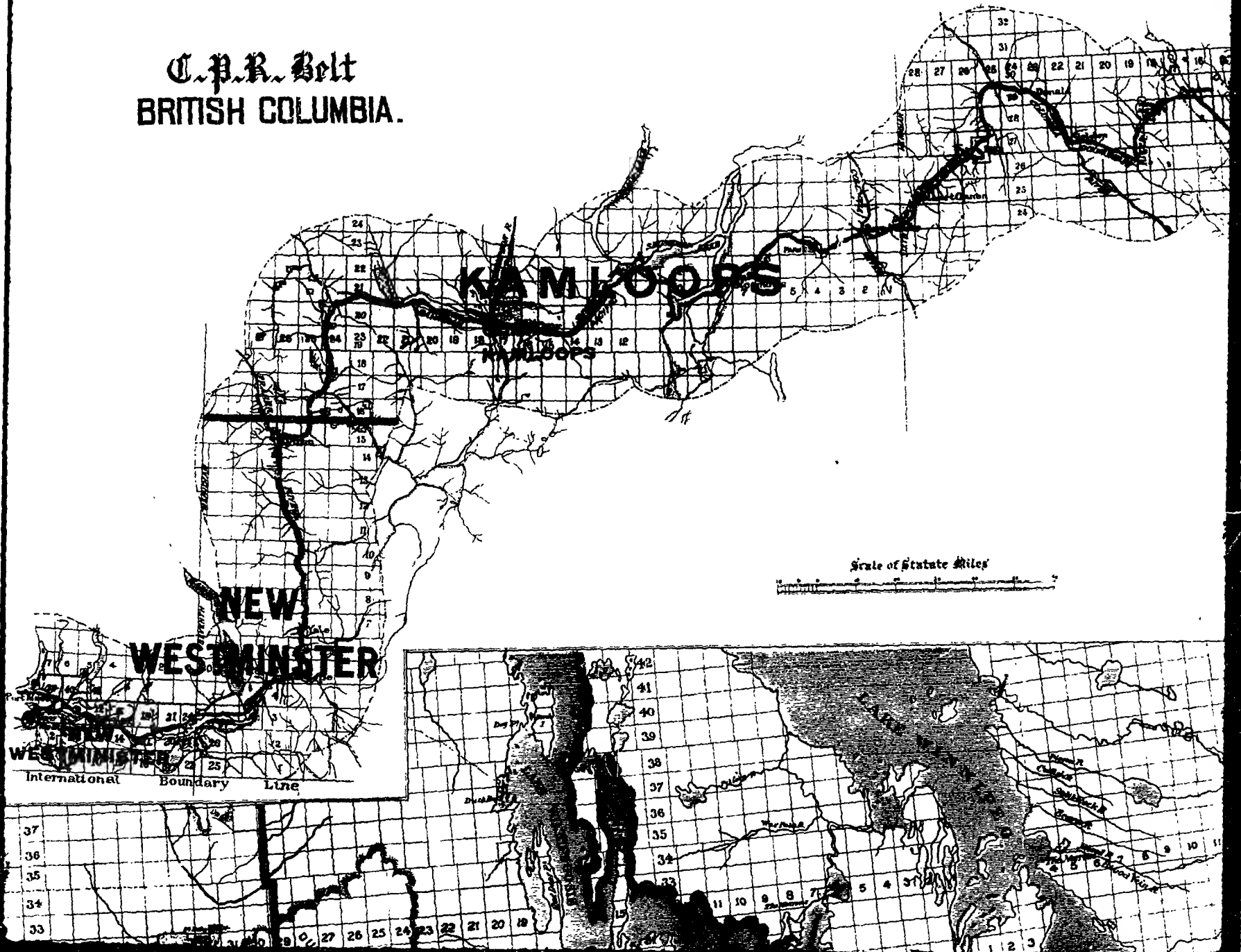


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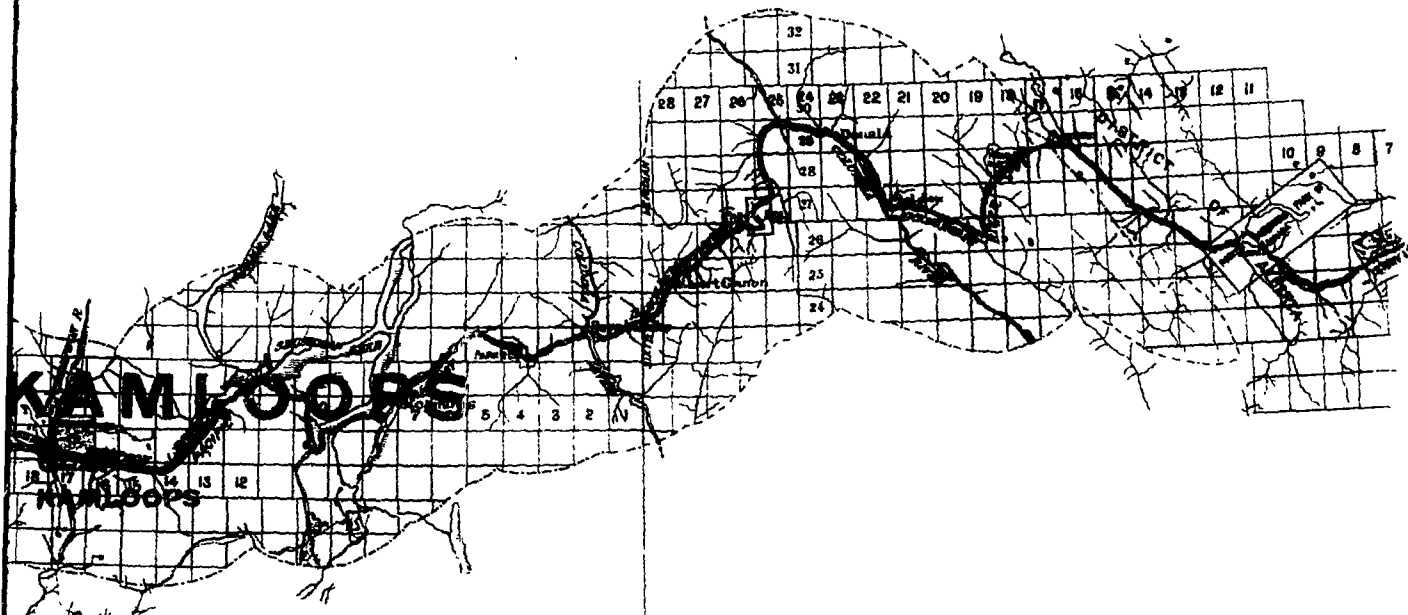
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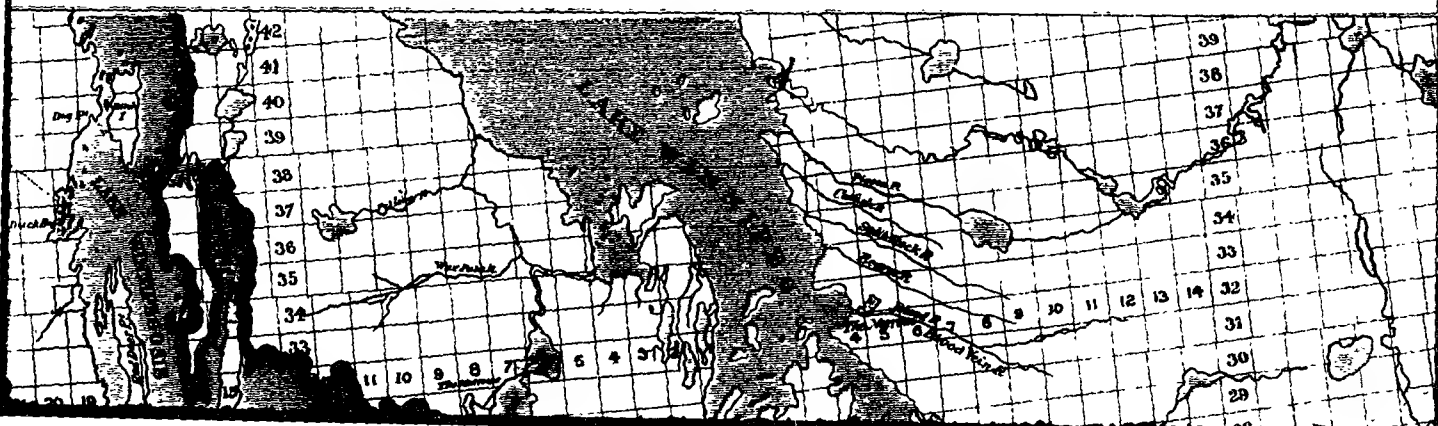
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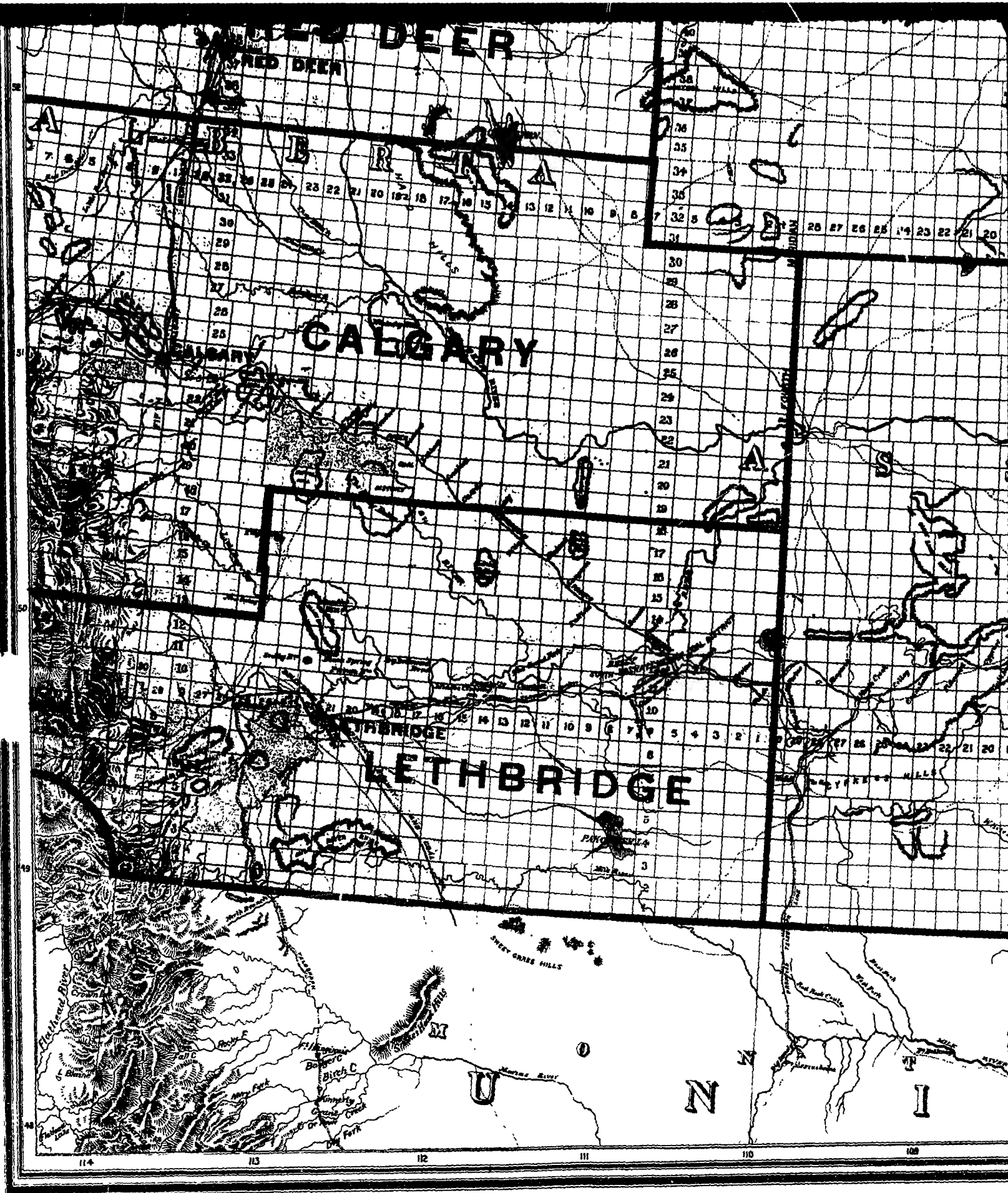


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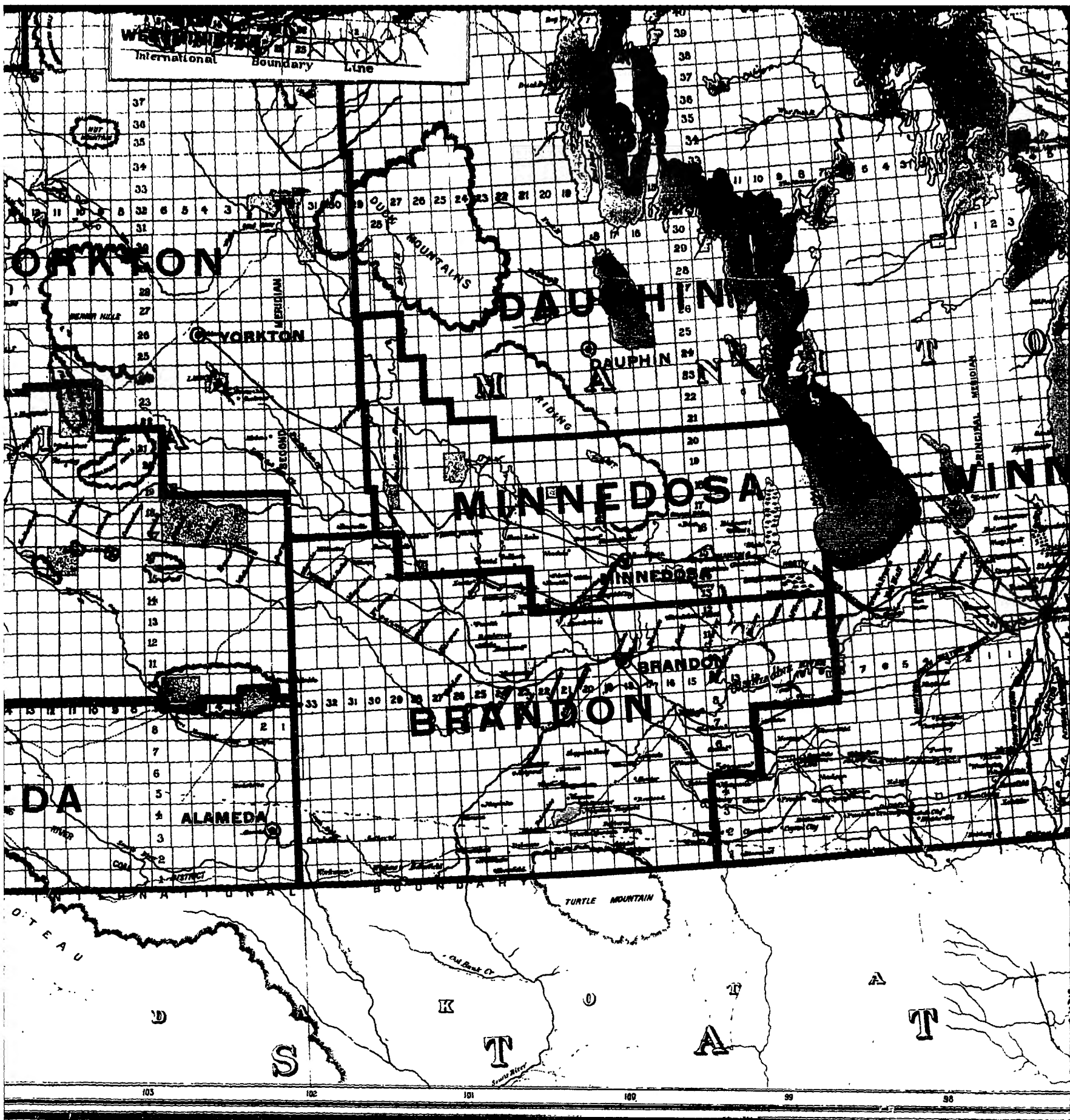
Scale of Statute Miles





CAUTION

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HER FEATURES ARE NOT TO BE DEPENDED UPON

